

**PROB 12B**  
**(7/93)**

**United States District Court**  
**for**

**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
**(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Durell Lamont Foster

Cr.: 06-00031-001  
PACTS Number: 42500

Name of Sentencing Judicial Officer: William H. Walls, Sr. USDJ

Date of Original Sentence: October 1, 2007

Resentenced on July 21, 2008

Original Offense: Distribute and Possession with Intent to Distribute Cocaine Base

Original Sentence: 70 months imprisonment, 4 years supervised release, \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: 07/09/10

**PETITIONING THE COURT**

- ☐ To extend the term of supervision for            Years, for a total term of            Years.  
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

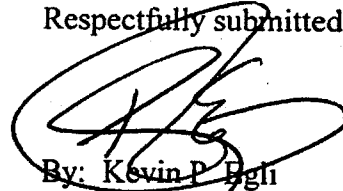
The defendant shall participate in the Location Monitoring Program. You shall be confined to your residence for a period of 2 months commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. You shall pay all the costs associated with the Location Monitoring Device. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

The defendant will attend and complete probation's MRT program.

CAUSE

As previously reported to Your Honor, the offender has tested positive for the use of marijuana on October 14, 2010, and admitted to using marijuana on August 19, 2011. He also failed to report for drug testing on several occasions and failed to report to the probation office as directed. Additionally, Foster has failed to attend mental health and substance abuse counseling at the Human Growth Center as directed.

Respectfully submitted,



By: Kevin P. Egli

U.S. Probation Officer

*SK* Date: 03/08/12

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other



Signature of Judicial Officer



Date

PROB 49  
(3/89)

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY

Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):


The defendant shall participate in the Location Monitoring Program. You shall be confined to your residence for a period of 2 months commencing at the direction of the U.S. Probation Office. You shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. You shall wear a Location Monitoring device and follow all location monitoring procedures. You shall permit the Probation Officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. You shall comply with any other specific conditions of home confinement as the Court may require. You shall pay all the costs associated with the Location Monitoring Device. The U.S. Probation Office may use less restrictive location monitoring technology if the U.S. Probation Office determines that a less restrictive device is available and appropriate.

The defendant will attend and complete probation's MRT program.

Witness:

  
U.S. Probation Officer  
Kevin P. Egli

Signed:

  
Probationer or Supervised Releasee  
Durell Lamont Foster

3/20/12  
DATE